

REGULATIONS

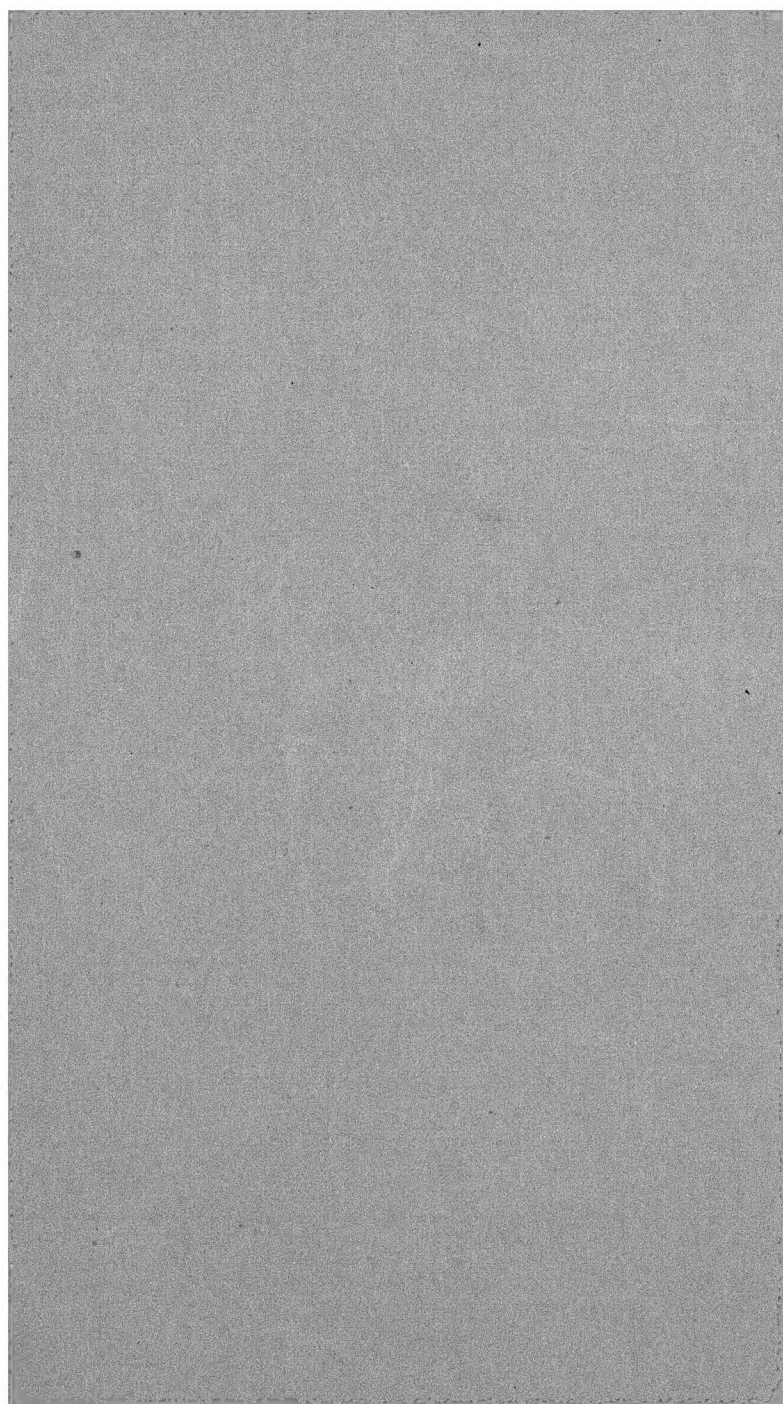
RELATING TO THE

EDUCATION

OF

INDIAN CHILDREN

OTTAWA
GOVERNMENT PRINTING BUREAU
1908



L a Golden 1914

REGULATIONS

RELATING TO THE

EDUCATION

OF

INDIAN CHILDREN

OTTAWA

GOVERNMENT PRINTING BUREAU

1908

2001091709

AT GOVERNMENT HOUSE, OTTAWA,

THURSDAY, the 6th day of August, 1908.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

His Excellency the Governor General in Council in pursuance of the powers conferred upon him by Sections 9, 10 and 11 of the Indian Act, Chapter 81 of the Revised Statutes of Canada, 1906, is pleased to order that the Regulations relating to the Education of Indian children established by the Order in Council of the 10th November, 1894, and the amendment thereto of the 1st April, 1895, shall be and the same are hereby repealed and the following Regulations substituted therefor:

1. All Indian children between the ages of six and fifteen shall attend a day school on the reserve on which they reside for the full term during which the school is open each year, unless excused for the reasons hereinafter mentioned.

2. Any Indian or other person who receives into his house an Indian child between the aforesaid ages, and which child is resident with him, or in his care or employment, shall be deemed thereby to be subject to the same duty with respect to the education of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he should fail to cause such child to be educated to the extent required of a parent under these Regulations; but the duty of the parent under these Regu-

lations shall not thereby be affected or diminished and shall continue in full force.

3. No parent, guardian or other person shall be liable to any of the penalties of these Regulations in respect of any child—

- (a) If the child is under efficient instruction;
- (b) If the child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) If there is no school within two miles, measured by the nearest road from such child's residence, if such child is under ten years of age, or within three miles, if over this age;
- (d) If the child has been excused, as hereinafter provided, from attending school;
- (e) If the child has passed the entrance examination for high schools.

4. Where, in the opinion of any Indian Agent or of any teacher authorized by such Agent to issue such certificate as is hereinafter referred to, the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child, or of some Indian dependent upon such child, such Indian Agent or teacher may, by certificate setting forth the reasons therefor, relieve such child from attendance at school for any period not exceeding two weeks during each of the four school terms or quarters.

5. Indian Agents may appoint one or more persons to act as Truant Officers on each reserve for the enforcement of these Regulations and such Truant Officers shall perform such

services as the Indian Agents by whom they are appointed shall deem necessary for the enforcement of these Regulations.

6. It shall be the duty of Truant Officers appointed under these Regulations to examine into all cases of non-attendance at school which may be brought to their notice, to notify the parent, guardian or other person having the charge or control of any child between six and fifteen years of age when such child is not attending school, and to require such parent, guardian or other person to cause the child to attend some school within three days. It shall also be the duty of the Truant Officers to make every effort to see that the children attend school regularly and to arrest and convey to school any child not sick or otherwise lawfully excused from attending school that they may find absent from school during school hours.

7. If the parent, guardian or other person having charge or control of any child shall neglect or refuse to cause such child to attend some school after being notified as herein required (unless such child has been excused from such attendance as provided by these Regulations) the Truant Officer shall make, or cause to be made, a complaint against such parent, guardian or other person before any Justice of the Peace having jurisdiction in the county or district in which the offence occurred, or before the Indian Agent for the locality; and upon conviction such parent, guardian or other person shall be liable to a fine of not more than two dollars or imprisonment for a period not exceeding ten days, or both.

8. Under the provisions of Section 10 of Chapter 81 of the said Act all industrial and

boarding schools receiving a per capita or other grant from the Government for the education of Indian children are declared to be industrial and boarding schools for the purposes of Sections 10 and 11 of the said Act.

9. An Indian Agent or Justice of the Peace on requisition from the Department of Indian Affairs or from one of its authorized officers on being satisfied that any Indian child between six and fifteen years of age is not being properly cared for or educated, and that the parent, guardian or other person having the charge or control of such child, is unfit or unwilling to provide for the child's education, may issue a warrant authorizing the person named therein to search for and take such child and place it in an industrial or boarding school in which there may be a vacancy for such child, and a child so placed in an industrial or boarding school may be retained until the age of eighteen years is reached; but no child shall be committed to any industrial or boarding school before the parent, guardian or other person having the charge or control of such child is notified orally, or in writing, by a Justice of the Peace, Indian Agent or Truant Officer of the intention to commit the child, and four days shall be allowed to lapse between the giving of such notice and the committal of the child.

10. If any such parent, guardian or other person who has been notified as aforesaid, objects within the aforesaid four days to the placing of the child in an industrial or boarding school, the Indian Agent or Justice of the Peace who issued the warrant shall appoint a day for the formal inquiry into the case, and may take evidence under oath as to the manner in which the child is being

cared for and educated ; and, if it be shewn that adequate provision is being made or will be made for the child's care and education, the child shall be left in the custody of such parent, guardian or other person.

11. The share of annuity or interest money, or other band revenue, belonging to a child committed to an industrial or boarding school may be retained by the Superintendent General of Indian Affairs and may be expended by the Superintendent General for the maintenance and education of such child or funded for its benefit.

12. If any child in an industrial or boarding school should leave such school without permission of the Superintendent General or other authorized officer of the Department of Indian Affairs, or of the Principal of the school, or should any child who has been allowed out, fail to return at the stipulated time, any Indian Agent or Justice of the Peace shall, on information made to that effect by an authorized officer of the Department, issue a warrant authorizing the person named therein to search for and take such child back to the school in which it had been previously placed as aforesaid.

But notwithstanding anything in this section it shall be competent for any employee of the school, or of the Indian Department, or any constable to arrest without a warrant any child found in the act of escaping from such school and to convey such child to the school from which it escaped.

13. Any person authorized by warrant under these Regulations to search for and take any child to an industrial or boarding

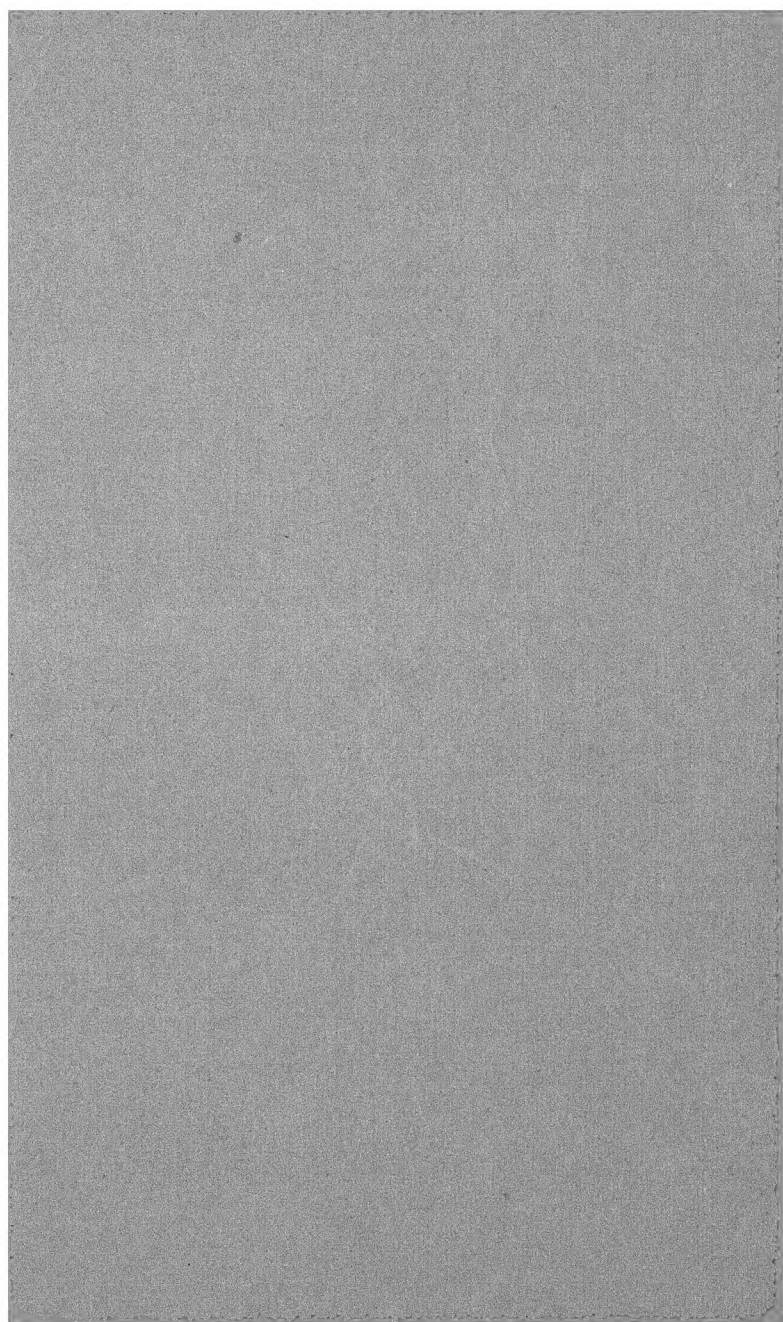
school may enter (if need be by force) any house, building or other place, specified in the warrant and may remove the child therefrom.

(2) The warrant may be addressed to any policeman or constable, or to any Truant Officer appointed under these Regulations, or to any employee of the Department of Indian Affairs.

14. Notwithstanding anything in these Regulations contained, no Protesant child shall be committed to a Roman Catholic school or to a school conducted under Roman Catholic auspices ; and no Roman Catholic child shall be committed to a Protestant school or to a school conducted under Protestant auspices.

15. The Superintendent General of Indian Affairs shall have the right, notwithstanding anything in these Regulations contained, to return to the custody of its parent, guardian or other person having the charge or control thereof any child placed in an industrial or boarding school under these Regulations.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.



3875